

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of : Customer Number: 53080
:
Yasuo TAKEBE, et al. : Confirmation Number: 5764
:
Application No.: 10/696,505 : Tech Center Art Unit: 1795
:
Filed: October 30, 2003 : Examiner: Raymond Alejandro
:
For: METHOD OF OPERATING FUEL CELL SYSTEM AND FUEL CELL SYSTEM AND
FUEL SYSTEM

**NOTICE OF APPEAL
FROM THE PRIMARY EXAMINER TO THE BOARD OF APPEALS**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Appeals from the Office Action dated July 9, 2009 of the Primary Examiner rejecting claim 107.

Appeal Fee: \$540.00

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Not required (fee paid in prior appeal in this application).

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Charge to Deposit Account No. 500417.

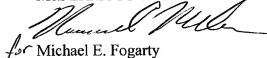
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Check Enclosed.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP


for Michael E. Fogarty

Res No 53,308

Registration No. 36,139

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Facsimile: 202.756.8087
Date: November 6, 2009

**Please recognize our Customer No. 53080
as our correspondence address.**